

Office of the Minister
of Foreign Affairs



Cabinet du ministre
des Affaires étrangères

Ottawa, Canada K1A 0G2

Date: November 15, 2007

DCB Number: 02953-2007

Briefing Product: Information Memorandum for the Minister / Mémoire à titre
d'information à l'intention du ministre

Subject: Detainees: Visit to NDS Kandahar on November 5, 2007

Minister's Decision /Comments:

**November 14, 2007. The memo has been read by the Minister. Stefanie Beck.
Original returned to the department via DCB. Gilles Plouffe**



MINA #: 4979



Memo has been read by the
minister. *SB*
14 NOV 07

SECRET CEO

BPTS Tracking Number: 02953-2007
FTAG-0237

Cyril Borle / Afghanistan Task Force / 947-7909

FOR INFORMATION

TO:	The Minister of Foreign Affairs
ISSUE:	Detainees: Follow-up Visit by Canadian Officials to National Directorate of Security's (NDS) detention facility in Kandahar, November 5, 2007

SUMMARY:

Please find attached a report (KANDH0123) of a follow-up visit by Canadian officials to the National Directorate of Security's (NDS) detention facility in Kandahar on November 5, 2007. During the course of the visit, Canadian officials conducted one private interview with a Canadian-transferred detainee, who made an allegation of mistreatment. Circumstances regarding this allegation are particularly troubling and a number of follow-up actions will be taking place.


Yves Brodeur
Assistant Deputy Minister of Foreign Affairs


Leonard J. Edwards
Deputy Minister of Foreign Affairs


David Mulroney
Associate Deputy Minister of Foreign Affairs
and Interdepartmental Coordinator
for Afghanistan

Canada

CURRENT SITUATION:

1. Please find attached a report (KANDH0123) of a follow-up visit by Canadian officials to the National Directorate of Security's (NDS) detention facility in Kandahar on November 5, 2007.
- 2 During the course of the visit, Canadian officials conducted one private interview with a Canadian-transferred detainee who made an allegation of abuse.

Allegation of Abuse

3. The detainee alleged that he was mistreated on two separate occasions while being interrogated at NDS Kandahar. He alleged that during the first interrogation he was knocked unconscious, and that during the second interrogation he was held to the ground and beaten with electrical wires and a rubber hose.
4. The detainee alleged that the room being used for the interview was the same room in which the abuse had taken place. He pointed to a chair and indicated that the implements used to strike him were underneath. Under the chair Canadian officials noted that there was a large piece of braided electrical wire and a rubber hose. The detainee also showed Canadian officials a bruise on his back approximately 4 inches long.

Follow-Up

5. The Kandahar Provincial Reconstruction Team (KPRT) will inform the International Committee of the Red Cross (ICRC) and the Afghanistan Independent Human Rights Commission (AIHRC) of this most recent allegation of abuse, as per standard procedure. In addition, the KPRT will impress upon the AIHRC the seriousness with which the Government of Canada takes this most recent allegation, REDACTED
REDACTED
6. The KPRT has been instructed to carry out REDACTED
REDACTED
REDACTED The KPRT will interview as many Canadian-transferred detainees as possible during the course of those visits, and will try to visually review all remaining Canadian-transferred detainees.
7. The purpose of these visits is multiple: (1) to allow our Embassy in Kabul to raise the allegation with senior Afghan officials and [presses the GoA to investigate,] while still ensuring the confidentiality of the detainee who has made this most recent allegation of abuse; (2) to ascertain the safety and well-being of all remaining Canadian-transferred detainees, at the NDS facility in Kandahar in particular; (3) to clearly impress upon NDS and Government of Afghanistan officials, in Kandahar and in Kabul, the seriousness with which the Government of Canada takes all allegations of abuse; [and (4) to establish the status of all Canadian-transferred detainees.]

8. Once these actions are taken, DFAIT officials in Kabul and Kandahar will demarche senior Government of Afghanistan officials to:

[The topics that were to be addressed in the demarche included Canada's response to the allegation of abuse, Canada's expectations of Afghanistan in respect of such allegations and the detention of Canadian-transferred detainees generally, and Canada's offer of assistance.]

9. Given the serious nature of the above allegations, DND and DFAIT also are carrying out a thorough review of our procedures and an assessment of both the wisdom of continuing transfers to the Government of Afghanistan in the short-term, and options available to us should such transfers need to be temporarily halted.

10. We will report back to you on the outcomes of these extensive follow-up activities.

Please note that given the urgency of this Memo, please find enclosed the English-only version at this present time.

The French version will follow separately by end of day (Wednesday, Nov. 7)



SECRET ECS

Numéro du SSPI : 02953-2007
FTAG-0237

Cyril Borle/Groupe de travail sur l'Afghanistan/947-7909

POUR INFORMATION

DESTINATAIRE :	Ministre des Affaires étrangères
OBJET :	Détenus : Visite de suivi effectuée par des représentants canadiens à l'établissement de détention de la Direction nationale de la sécurité (DNS) à Kandahar, le 5 novembre 2007

RÉSUMÉ

Vous trouverez ci-joint un rapport (KANDH0123) de la visite de suivi effectuée par des représentants canadiens à l'établissement de détention de la Direction nationale de la sécurité (DNS) à Kandahar, le 5 novembre 2007. Au cours de la visite, les représentants canadiens ont eu une entrevue privée avec un détenu transféré par le Canada qui soutient avoir été victime de mauvais traitement. Les circonstances entourant l'allégation sont particulièrement troublantes et un certain nombre de mesures seront prises pour y donner suite.

Yves Brodeur
Sous-ministre adjoint des Affaires étrangères

Leonard J. Edwards
Sous-ministre des Affaires étrangères

David Mulroney
Sous-ministre délégué des Affaires
étrangères et coordonnateur interministériel
pour l'Afghanistan

Canada

SITUATION ACTUELLE

1. Vous trouverez ci-joint un rapport (KANDH0123) de la visite de suivi effectuée par des représentants canadiens à l'établissement de détention de la Direction nationale de la sécurité (DNS) à Kandahar, le 5 novembre 2007.

2. Au cours de cette visite, les représentants canadiens ont eu une entrevue privée avec un détenu transféré par le Canada qui soutient avoir été victime de violence.

Allégations de violence

3. Le détenu soutient avoir subi de mauvais traitements à deux occasions alors qu'il était interrogé au centre de détention de la DNS à Kandahar. Il soutient que pendant la première interrogation, il a été frappé au point de perdre connaissance et que durant la seconde interrogation, il a été maintenu au sol par la force et battu à coups de fil électrique et de tube en caoutchouc.

4. Le détenu soutient avoir subi ces mauvais traitements dans la pièce même où se tenait l'entrevue. Il a pointé une chaise et indiqué que les objets avec lesquels il avait été frappé se trouvaient en-dessous. Les représentants canadiens ont remarqué qu'un gros fil électrique tressé et un tube en caoutchouc se trouvaient en effet sous la chaise. Le détenu a également montré aux représentants canadiens une grosse ecchymose sur son dos, d'une longueur d'environ 4 pouces (10 cm).

Suivi

5. L'Équipe provinciale de reconstruction de Kandahar (EPRK) informera le Comité international de la Croix-Rouge (CICR) et la Commission indépendante des droits de l'homme en Afghanistan (CIDHA) de ce nouveau cas d'allégation de violence, conformément à la procédure habituelle. Par ailleurs, l'EPRK soulignera la gravité de l'allégation aux yeux du gouvernement du Canada REDACTED
REDACTED

6. L'EPRK a été chargée d'effectuer REDACTED
REDACTED REDACTED
Durant ces visites, l'EPRK interviewera le plus grand nombre de détenus transférés par le Canada possible et tentera de faire un examen visuel de tous les autres.

7. Ces visites ont plusieurs objectifs : 1) permettre à notre ambassade à Kaboul de porter cette nouvelle allégation à l'attention des hauts responsables afghans et presser le gouvernement de l'Afghanistan de faire enquête, tout en garantissant la confidentialité du détenu qui a fait l'allégation; 2) s'assurer de la sécurité et du bien-être de tous les autres détenus transférés par le Canada à l'établissement de la DNS à Kandahar en particulier; 3) bien faire comprendre à la DNS et aux représentants du gouvernement de l'Afghanistan la gravité de ces allégations de violence aux yeux du gouvernement du Canada; et 4) déterminer

le statut de tous les détenus transférés par le Canada.

8. Quand ces mesures seront prises, les représentants du MAECI à Kaboul et à Kandahar feront des démarches auprès de hauts responsables du gouvernement de l'Afghanistan afin de [REDACTED]

[Les sujets traités dans la démarche comprenaient la réponse du Canada à l'allégation de mauvais traitements, les attentes du Canada à l'égard de l'Afghanistan relativement à de telles allégations et à la détention de détenus transférés par le Canada en général, l'offre d'assistance faite par le Canada, et les délais dans lesquels le gouvernement de l'Afghanistan devait répondre à diverses questions et préoccupations soulevées.]

9. Étant donné la nature grave des allégations susmentionnées, le MDN et le MAECI procèdent également à un examen approfondi de nos procédures, de même qu'à une évaluation de la sagesse de poursuivre, à court terme, de tels transferts au gouvernement afghan ainsi qu'aux options disponibles si nous interrompons temporairement ces transferts.

10. Nous vous ferons un rapport sur les résultats de ces importantes activités de suivi.

From: GIBBINS Christopher -FTAG -C4 [Christopher.GIBBINS@c4.international.gc.ca]
Sent: Monday, November 05, 2007 2:32 PM
To: Borlé, Cyril -DFA -FTAG -C5; CARETTE Alexandre -DFA/FTAG -C4
Cc: TERMORSHUIZEN Cindy -FTAG -C4
Subject: FW: KANDH0123 - Detainees: Periodic Follow-up Visit to NDS on November 5 2007.

-----Original Message-----

From: KANDH -PRT -C4R
Sent: November 5, 2007 1:54 PM
To: KANDH -PRT -DIR -C4R; KANDH -KAF -C4R; KABUL -GR -C4R
Cc: BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; Swords, Colleen -IFM -C5; KANDH -PRT -C4R; KABUL -DHOM -C4; Correctional Services -BH; ALEXANDER Vera -OGD -PCO/BCP -C4R; Mulroney, David -DMA -C5; KABUL -HOM -C4R
Subject: KANDH0123 - Detainees: Periodic Follow-up Visit to NDS on November 5 2007.

SECRET CEO - NOT FOR FORWARD DISTRIBUTION

NDHQ OTT ADM (POL) - Pls fwd to JAG
Public Safety - Pls fwd to DM/Hurtubise and CSC Comm. Coutler
PCO/FDP - For S. Cartwright, J. Sinclair

1. On 5 November 2007, KPRT Political Director/Davison, KPRT Political Officer/Gosselin visited the National Directorate of Security (NDS) detention facility in Kandahar City to interview Canadian-transferred detainees. No advance notification of the intention to interview detainees was given to NDS officials.

2. KPRT met first with General QAYUM and emphasized the commitment of the Canadian Government to assisting the GoA improve the conditions of detention:

[NDS's commitment to the terms of both Arrangements, and the level of support from KPRT were discussed.]

3. KPRT expressed concern with the lack of information provided by NDS with regards to movement of Canadian-transferred detainees. KPRT suggested that we agree on a simple process by which NDS will systematically inform KPRT whenever a Canadian-transferred detainee is transferred, sent to trial, sentenced or released. General QAYUM indicated that REDACTED Chief of Investigations, would provide the KPRT with a complete list by Nov. 6, 2007.

3. KPRT then met with (a senior official) and once again raised the importance of obtaining an update on movement of Canadian-transferred detainees. KPRT and RED agreed on a process by which a letter would be sent to NDS/QAYUM every 2 weeks inquiring about the status of all Canadian-transferred detainees. NDS will indicate the status of each detainee and return the information to KPRT as soon as possible. KPRT then offered to go over a list of Canadian-transferred detainees to obtain an update on their status. RED indicated that he would need some time to go over the list and prepare a complete update. He committed to provide an update and deliver it to the KPRT by Nov. 6, 2007.

(The senior official) (the senior official) (The senior official)

4. REDA inquired about development or progress in obtaining KPRT assistance in improving the defensive mechanisms for the NDS detention facility compound. KPRT indicated that a feasibility assessment was underway and that we would provide them with an update shortly.

5. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Gosselin/Davison
Approved: Davison

DATE OF VISIT: 05 November 2007

1. Administrative details

a. Name of Institution visited

National Directorate of Security (NDS) Detention Facility, Kandahar City.

b. Number of security-related detainees overall

76.

c. Number of Canadian-transferred detainees present (since June)

(fewer than 10) EsR (NDS unable to confirm. Detailed list to be provided by REDACTED on Nov. 6, 2007).

d. Number of Canadian-transferred detainees seen by officials on visit

(the Chief of Investigations)

REDACTED and other tasking of the Force Protection limited our ability to conduct more interviews. The one interview took almost one hour.

e. Nature of interaction with Canadian-transferred detainee

Private interview with 1 detainee.

f. Interaction with any other detainees (allies; general population)

n/a.

g. Outline any constraints in accessing Canadian-transferred detainees

We were readily granted access to the holding facility, and then to those with whom we specified we wanted private interviews.

h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge

NDS registers detainees upon arrival at the facility, and has separate ledgers for transfer and release. Canadian-transferred detainees are labeled as such in the ledgers. Name, age, profession, province, district, weapons (if any), and detainee contact with Taliban are also recorded for each individual.

2. Overall Situation of Detention

The detainee holding facilities at NDS are split between two buildings. NDS' newest building REDACTED

REDACTED the cells did not contain toilet facilities REDACTED that allow REDACTED while the other row is REDACTED. The lights were turned on during our visit. The facility, being brand new, is generally clean and in good condition, with carpeted floors and fresh paint. The old building contains REDACTED each and REDACTED REDACTED. The cells did not contain toilet facilities. REDACTED enter, while the other REDACTED. The lights were turned on during our visit but the lighting is fairly limited. This facility is generally clean and in fair condition, there are no carpets and walls are painted or bare concrete. All detainees wore chain-link leg irons.

a. Our interview was with REDACTED transferred to NDS on REDACTED 2007.

Detainee Name: REDACTED / Father's full name: REDACTED Grandfather's name: REDACTED Sex: male / Age: RE Identification Serial Numbers: REDACTED Place of birth: REDACTED Nationality: REDA / Tribe: RED General physical condition upon release: Fit for transfer.

The detainee indicated that to date he was not allowed to contact his family. He indicated that detainees are allowed outside for 1 to 2 hours per day. He indicated that the food provided is of acceptable quality and quantity. Detainees are provided with three (3) meals a day and there is a regular rotation in the menu. Detainees are also provided with drinking water.

The detainee indicated that health care services in the facility are provided by an NDS employee rather than a physician. NDS officials, on the other hand, have indicated that detainees are visited regularly by a physician from nearby Mirwais Hospital. The detainee indicated that he is in good health with the exception of an injury REDACTED sustained before his arrest, and an allergy problem (rash) also affecting REDACTED. The detainee has expressed difficulties in obtaining the necessary medication to treat his allergy problem.

The detainee indicated that he was never visited by a representative of the AIHRC. He indicated that he believes that the facility received a visit by representatives of the ICRC but that he personally was not interviewed. He indicated that he was not provided with any legal representation nor was clearly informed of the charges against him.

When asked about his interrogation the detainee came forward with an allegation of abuse. He indicated that he has been interrogated on 2 occasions by a group of 4 individuals. He could not positively identify the individuals but provided a general description of two of them. He indicated that that he could not recall the first interrogation in any details as he was allegedly knocked unconscious early on. He alleged that during the second interrogation, 2 individuals held him to the ground with his shawl while the other 2 were beating him with electrical wires and rubber hose. He indicated a spot on the ground in the room we were interviewing in as the place where he was held down. He then pointed to a chair and stated the implements he had been struck with were underneath it. Under the chair, we found a large piece of braided electrical wire as well as a rubber hose. He then showed us a bruise (approx. 4 inches long) on his back that could possibly be the result of a blow. [While we did not ask, after the interview was completed and before we left (a senior official) told us that REDACTED
REDACTED

The detainee specifically asked that these allegations be kept confidential (Not shared with NDS officials).

3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

NDS officials were aware of the detainee transfer Arrangements and were willing to allow us to interview Canadian-transferred detainees.

The timely notification of any proceedings or material changes in the circumstances of detainees remains an issue. The agreement reached today between KPRT and (a senior official) will likely improve this situation.

4. Priority Requirements and Recommendations

We did not discuss the allegation with NDS staff before leaving. Instead we made mention of the detainees desire to see family and for a regular supply of medication for his leg.

The allegations of abuse and mistreatment should be taken very seriously but should be addressed strategically. In order to maintain confidentiality and prevent retaliation against the detainee that we interviewed today, KPRT should conduct an additional visit within 2 weeks and conduct interviews with several detainees before we raise the issue. Holding the interviews at Sarpoza Prison would further alleviate the risk of retaliation against detainees who were allegedly abused at NDS. We should also notify ICRC and AIHRC of our concerns and ask them to investigate.